

### Remarks

Claims 1-49 are pending for the Examiner's consideration, including amended claims 1, 3, 5, 7, 8, 11, 12, 17, 23, 27, 29, 31, 32, 39, 40, 42, 46, and 48. New claim 49 is presented. No new matter is believed to have been added.

Applicant appreciates the indication in the Office Action that claims 5, 6, 8-11, 27, 28, and 31 are allowed. Allowed claims 5, 8, 11, 27, and 31 have been amended herein for clarification purposes.

Claims 3, 7, 12, 29, 32, and 42 have been amended to change the dependencies thereof. Claims 17, 39, and 48 were amended for clarification purposes.

Support for the amendments to claims 1, 23, 40, and 46, as well as for new claim 49, can be found, for example, in the specification at page 4, line 17 to page 5, line 18 and in FIGS. 2-4.

At the outset, Applicant notes that although the Office Action Summary indicates, in part, that claims 32-48 are rejected, the Office Action fails to set forth any detailed rejection of claims 40-48.

Claims 1-4, 7, 12-26, 29, 30, 32-35, and 37-39 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,810,171 to Lee ("Lee") in view of U.S. Patent No. 6,464,080 to Morris *et al.* ("Morris"). The rejection respectfully is overcome.

As stated in the Office Action, Lee "does not teach that the springs 5 can be in the form of one or more leaf springs." (Office Action, p. 2). But the Office Action combines Lee with Morris and states that "only the spring structure is being taken from Morris *et al.* and implemented into the design of Lee." (*Id.*, p. 4).

Neither Lee nor Morris disclose or suggest the combined spring and foam construction recited in independent claims 1 or 23. For example, claim 1 recites a carrying case comprising, *inter alia*, wherein the foam padding comprises a first layer and a second layer; and wherein the leaf spring is disposed between the first and second layers with the foam padding substantially conforming to the upper and lower surfaces. Claim 23 recites a carrying case comprising, *inter alia*, a first foam layer and a second foam layer, the foam layers abutting the leaf spring; wherein the leaf spring is disposed between the foam layers

with the foam layers substantially conforming to the upper and lower surfaces. Nor do Lee or Morris disclose or suggest the construction in claims 1 or 23 with a channel as claimed.

Thus, as understood, neither Lee nor Morris teaches or suggests every element of Applicant's claimed invention, nor do these references contain any motivation for one of ordinary skill in the art to combine Lee and Morris to render obvious Applicant's claims 1 or 23.

Claim 3 has been amended to depend from allowed independent claim 8. Claim 7 has been amended to depend from allowed independent claim 5. Claim 12 has been amended to depend from allowed independent claim 11. Claim 29 has been amended to depend from allowed independent claim 27. And, claim 32 has been amended to depend from allowed independent claim 31. Thus, the rejection of these claims has been rendered moot.

Further, with respect to dependent claims 2, 4, 13-18, 20-26, 30, 33-35, and 37-39, it is submitted that these claims at least are patentable not only because of the patentability of the independent claim from which they depend, but also for the totality of features recited respectively therein.


Finally, claims 19 and 36 were rejected in the Office Action under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Morris and further in view of U.S. Patent No. 5,494,157 to Golenz *et al.* With respect to dependent claim 19 which depends from claim 1, and dependent claim 36 which depends from claim 23, it is submitted that these claims at least are patentable not only because of the patentability of the independent claim from which they depend, but also for the totality of features recited respectively therein.

In view of the foregoing, it is believed that all the pending claims are in condition for allowance, which is respectfully requested. If the Examiner does not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues so as to expedite the eventual allowance of the claims.

A Request for Continued Examination is submitted herewith along with a Petition for Extension of Time and a Fee Transmittal Sheet for the presentation of a new independent claim. Should any additional fees be required, please charge such fees to Steptoe & Johnson LLP Deposit Account No. 19-4293.

Date: July 30, 2007

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Seth A. Watkins", written over a horizontal line.

Seth A. Watkins

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Attachments